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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,215	10/23/2003	Kasy Srinivas	MS306690.1/MSFTP534US	8230
27195 7590 06/11/2008 AMIN. TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			EXAMINER HARPER, LEON JONATHAN	
			ART UNIT 2166	PAPER NUMBER
			NOTIFICATION DATE 06/11/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/692,215	Applicant(s) SRINIVAS ET AL.	
	Examiner Leon J. Harper	Art Unit 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4 and 6-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4 and 6-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/5/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/28/2008 has been entered. No claims have been amended or cancelled. Claim 51 has been added. Accordingly, claims 1,2,4,6-16 and 51 are pending in this office action.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1,2, 4, 6-16 and 51 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. All of the claims listed are directed to either a platform or system that is directed to managing and storing files. However there is no positive reciting of the hardware feature that is performing the managing or storing. Accordingly, the claims do not fall within one of the statutory categories of invention defined by 35 U.S.C. 101.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1,2,4,6-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 defines a platform that comprises a system. Claims 2, 4, 6-16 all depend on claim 1 either directly or indirectly, however claims 2,4,6-16 further define a system and not a platform. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 2, 4, 6-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6564263 (hereinafter Berg) (art of record) in view of US 5990883 (hereinafter Byrne) (art of record).

As for claim 1 Berg discloses: a management component (See column 5 lines 20-23 server is the management component), and a multimedia file system, wherein the management component manages the disparate files within the multimedia file system (See column 6 lines 39-45), the management component links between disparate files via establishing relationships between the disparate files and the one or more contact items, the management component associates roles within relationships between the disparate files and the one or more contact items the roles define a connection between a subject of the one or more contact items and the disparate files(See column 7 line 65-column 8 line 4 note: the server can transform any item into any other item for the purpose of structure linking also for more explicit disclosure see column 14 lines 23-26), the one or more contact items include at least one of a phone number, an address and a link to emails (See column 21 lines 5-8 note: a web address is still an address).

While Berg does not differ substantially from the claimed invention, the disclosure of as one entity is not necessarily explicit. Byrne however does disclose multiple files as one entity (See column 4 lines 20-25). It would have been obvious to an artisan of ordinary skill in the pertinent art to have incorporated the teaching on Byrne into the

system of Berg. The modification would have been obvious because the combination of these methods provide a convenient way for a user to review and select content from a variety of physical sources (See Byrne column 1 lines 54-58).

As for claim 2, the rejection of claim 1 is incorporated, and further Berge discloses: the disparate files comprise one or more of audio, video, image and document files (See column 8 lines 22,28,37,40 for an audio, video, and image example).

As for claim 4, the rejection of claim 3 is incorporated, and further Berg discloses: the management component utilizes the one or more contact items in connection with querying across and within the disparate files (See column 5 lines 20-25).

As for claim 6, the rejection of claim 1 is incorporated, and further Berg discloses: the management component locates, associates and suggests metadata for a received file, the suggested metadata includes information indicative of a level confidence that the suggested metadata corresponds to the received file (See column 14 lines 62-66).

As for claim 7, the rejection of claim 6 is incorporated, and further Berg discloses: at least one of the suggested metadata is manually selected by user or automatically selected by the management component and associated with the file (See column 9

lines 63-65: the exception means it is not automatically generated but is manually selected).

As for claim 8, the rejection of claim 1 is incorporated, and further Berg discloses: the management component resolves an association between a received file and an originating source of the received file (See column 14 lines 20-25 note: the relationships between the old files and new version are maintained).

As for claim 9, the rejection of claim 8 is incorporated, and further Berg discloses: the management component stores an original and the resolved association with the received file (See column 10 lines 1-10).

As for claim 10, the rejection of claim 1 is incorporated, and further Byrne discloses: the management component associates one or more ratings with a file (See column 6 line 37).

As for claim 11, the rejection of claim 10 is incorporated, and further Byrne discloses: the one or more ratings comprises one or more of a parental, a quality and a user rating (See column 9 line 1-11 note: there is a different rating system id for each of the rating types).

As for claim 12, the rejection of claim 10 is incorporated, and further Byrne discloses: the one or more ratings is associated with one or more of an audio, a movie and a television rating (See column 9 lines 1-10 note these are tv ratings).

As for claim 13, the rejection of claim 10 is incorporated, and further Byrne discloses: the one or more ratings is employed in connection with querying across the disparate files (See column 9 lines 1-10 note: all of these tables can be searched or queried).

As for claim 14, the rejection of claim 1 is incorporated, and further Berg discloses: the management component maintains a history of a stored file (See column 10 lines 1-10 different versions = history).

As for claim 15, the rejection of claim 14 is incorporated, and further Berg discloses: the file history is utilized in connection with intelligent decision-making to automate at least one of execution, manipulation and access to the file (See column 10 lines 11- 15 transformation is a manipulation).

As for claim 16, the rejection of claim 1 is incorporated, and further Byrne discloses: the management component generates one or more sub- parts for video, the sub-parts are associated with respective portions of the video and can be utilized to return to respective portions of the video (See column 11 lines 5-10).

Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berg in view of US 20030120673 (hereinafter Ashby).

As for claim 51 berg discloses: a multimedia filesystem that retains disparate multimedia files based at least in part on selected schemas, the schemas can include at least one of a generic schema, an audio schema or a video schema; and a management component that manages and facilitates storage of the disparate multimedia files retained in the multimedia filesystem (See column 6 lines 39-45), the links indicate an association between a person involved in the multimedia files and a contact item file that provides contact information for the involved person (See column 21 lines 5-8).

Berg does not explicitly disclose: the management component selects a schema for a given file based at least in part on characteristics of the file, the management component enables uniform access to the disparate multimedia files via the selected schemas, the management component establishes links between the disparate multimedia files and non- multimedia files. Ashby however does disclose: the management component selects a schema for a given file based at least in part on characteristics of the file, the management component enables uniform access to the disparate multimedia files via the selected schemas, the management component establishes links between the disparate multimedia files and non- multimedia files (See abstract and paragraph 0052).It would have been obvious to an artisan of ordinary skill

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in the pertinent at the time the invention was made to have incorporated the teaching of Ashby into the system of Berg. The modification would have been obvious because the two references are concerned with the solution to problem managing multimedia files, therefore there is an implicit motivation to combine these references. In other words, the ordinary skilled artisan, during his/her quest for a solution to the cited problem, would look to the cited references at the time the invention was made. Consequently, the ordinary skilled artisan, would have been motivated to combine the cited references since Ashby's teaching would enable users to store, manage and create schema's as well as use them for searching (See Ashby abstract) .

Response to Arguments

Applicant's arguments filed 3/28/2008 have been fully considered but they are not persuasive.

Applicant argues:

Bergman et al. fails to teach or suggest establishing relationships between the disparate files and one or more contact items and associating roles within relationships wherein the roles define a connection between a subject of the one or more contact items and the disparate files as recited in independent claim 1. The cited reference provides linkages between different modalities and fidelities of a particular media file context (See col. 14, 11. 19-28), but is silent regarding the claimed aspects. In particular, Bergman et al. does not disclose associating roles within relationships wherein the role defines a connection between a subject of a contact item and a media file.

Examiner responds:

Examiner is not persuaded. Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. Interpretation of Claims- Broadest Reasonable Interpretation During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969). In this case contact items can anything as long as it has some relationship to contract information.

Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leon J. Harper whose telephone number is 571-272-0759. The examiner can normally be reached on 7:30AM - 4:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LJH
Leon J. Harper
June 2, 2008

/Hosain T Alam/

Supervisory Patent Examiner, Art Unit 2166